

REMARKS/ARGUMENTS

Claims 1-34 are pending. Claims 1, 10, 27, and 24 were amended to more particularly point out the subject matter of the invention. For the reasons provided in the response to the Office Action dated August 22, 2003, these amendments were not made to patentably distinguish the amended claim from any description, teaching, or suggestion in the references of record. These reasons are not repeated verbatim herein, but are incorporated by reference. No claims have been added or cancelled. Thus, claims 1-34 remain pending.

Claim Rejections Under 35 USC §102(e)

Claims 1-34 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,356,903 to Baxter et al ("Baxter"). These rejections are traversed.

The Baxter Reference

Baxter describes a content management system for dynamically creating a Web page according to pre-specified organizational and formatting components of requested content. These Web pages are then provided to the requestor (see, Baxter, col. 4, lines 12-13). In particular, Baxter at col. 2, lines 1-11 describes that Web page content, organization, and format are separately stored and maintained "for subsequent real-time assembly" into a Web page. (Baxter, col. 4, lines 25-27). Baxter, col. 4, lines 30-31, describes that "information of a Web page is referred to as content (including text, graphics, programs, etc....)." "Content creators include: authors, programmers, editors, and artists. Content designers include: graphic artists, web designers and programmers." (Baxter, col. 4, lines

56-58). "[T]he organization of the content is stored in organizational components (for example, an outline) and the format of the content is stored in format components (for example templates and styles)." (Baxter, col. 4, lines 33-36).

Baxter, at col. 5, lines 56-58, describes that [t]he content and format stored in the repository 60 are assembled by an assembly procedure 70 prior to being served to end-users as web pages." Baxter describes at col. 6, lines 63-65, that "[t]he data structure shown in FIG. 4 ties together documents, outlines, styles and templates and styles for use by the assembly procedure 70." Baxter at col. 7, lines 27-32, describes that "[a] document is a publication, such as a homepage, newsletter, interview transcript, product documentation, proposals, advertising, annual reports, etc... A document, when combined with one or more borders ['a border is comprised of an outline and a template'—col. 8, lines 26-27], makes up one or more Web pages." At col. 9, lines 28-30, Baxter describes that a "template describes the properties which apply to formatting an outline, such as margin, type face, type color, etc...."

"The content items referenced within an outline are the actual text, graphics, sounds, animation, etc. that are published on the web site." (Baxter, col. 13, lines 7-9). "[P]ages for display on the site are created in real time". (Baxter, col. 17, line 43). More specifically, Baxter at col. 18, lines 9-13, describes that "[a]fter all the parts of the personalized content, documents and borders are retrieved [from a repository], the content is assembled into a whole document based on the hierarchy in the relevant outlines and the dictates of the templates and styles." Accordingly, Baxter describes a content management system for dynamically creating a Web page according to pre-specified organizational and formatting components of requested content.

The Claimed Subject Matter

It is a fundamental aspect of patent law that to anticipate a claim, the reference must teach each and every element of the claim. (MPEP §2131). Every element, as set forth in the claim, must be found in a single prior art reference in as complete detail as is contained in the claim.

Claim 1 recites “receiving, by the server computer, a request from the client computer for one or more requested content items”, and “responsive to receiving the request: identifying, by the server computer, a data structure that refers to one or more further content items”, “modifying, by the server computer, the data structure to reference the requested content items”, and “providing, by the server computer, the content items referenced by the modified data structure to the client computer.” For at least the following reasons, Baxter does not describe each and every element of the pending claims.

In addressing the feature of “modifying, by the server computer, the data structure to reference the requested content items”, the Office action (“ACTION”) points to col. 6, lines 12-21 of Baxter to conclude that Baxter anticipates this feature. This conclusion is unsupportable. The data structure of Baxter that the ACTION refers to is merely referenced by Baxter to tie together pre-determined Web page content, organization, and format. The portion of Baxter that the ACTION cites to show the claimed feature simply describes that the data structure “may be used for a web based content management system in accordance with the preferred embodiment of the present invention. This data structure will have to be modified for other types of information delivery services.” This explicit description of Baxter is completely silent with respect to “responsive to receiving

the request: [...] modify, by the server computer, the data structure to reference the requested content items”, wherein the “request from the client” specifies the “content items”, as claim 1 recites. This is a patentably distinguishable difference from any description in Baxter.

For this reason alone, Baxter does not anticipate claim 1. Accordingly, the 35 USC §102(e) rejection of claim 1 is improper and should be withdrawn.

Additionally, Baxter is completely silent with respect to how such a data structure specifying web page organization and format to meet the requirements of the delivery service being used is modified for “other types of information delivery services”. For this reasons, it is respectfully submitted that any such modification to the data structure of Baxter that the ACTION refers to is performed offline—not “responsive to receiving the request: [...] modify, by the server computer, the data structure to reference the requested content items”, as claim 1 recites.

Claims 2-9 depend from claim 1 and are not anticipated by Baxter by virtue of this dependency. For this reason alone, the 35 USC §102(e) rejection of claims 2-9 should be withdrawn. Moreover, claims 2-9 include additional subject matter that is not described by Baxter.

For instance, claim 2 recites “wherein identifying the data structure, the data structure comprises a playlist”, “wherein receiving the request, the one or more requested content items comprises streaming media content”, and “wherein providing the content items further comprises streaming the content items referred to by the playlist.” Nowhere does Baxter describe “a playlist”, “streaming media content”, or “streaming the content items referred to by the playlist.”

In addressing this feature, the ACTION asserts that Baxter describes the claimed “playlist” in col. 5, lines 4-13. This assertion is not supportable. It is respectfully submitted that Baxter’s description of a “content management repository server” which maintains an index cross referencing content allowing content to be stored on a variety of devices sounds more like a directory service. Merely citing types of content indexed and cross-referenced by such “content management repository server” such as “video, movies, and audio, as well as a traditional data storage unit ...” does not describe “a playlist”, as Applicant claims.

The specification at page 2, line 9, through page 3, line 18 describes a playlist and the types of environments where a playlist is used. In particular the specification indicates that a playlist, or ‘playlist file’ that includes a number of different references to individual streaming media content files. Playlists do not normally contain the actual media data, but rather particular references (i.e., a URL) to stored media data. Each playlist file includes information such as information to reference specific pieces of content, an order in which to play the referenced content, and other information (e.g., whether to play certain pieces of referenced content more than one time). In other words, a playlist file not only references media content, but also describes how pieces of media content are combined. In view of this explicit description in the specification, it is clear that

the server of Baxter used to index and cross reference "video, movies, and audio" does not describe the claimed "a playlist".

For this additional reason, claim 2 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 2 should be withdrawn.

Claim 3 also recites features that are not anticipated by Baxter. For instance, claim 3 recites "wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification." In addressing these features, the ACTION points to col. 6, lines 63-65 of Baxter to assert that Baxter anticipates these claimed features. Applicant respectfully disagrees.

At col. 6, lines 63-65, Baxter merely describes that "[t]he data structure shown in FIG. 4 ties together documents, outlines, styles and templates and styles for use." Applicant respectfully submits that the data structure of FIG. 4 merely describes a data structure with a site ID, a site name, a site description, a trigger ID, and a last review date. Nowhere does this teaching describe "wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification." Thus, a system of Baxter may never have a "data structure comprises a first Web page specification, and the requested content comprises a second Web page specification", "the requested content" being comprised in "a request from the client", as claim 3 recites.

For this additional reason, claim 3 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 3 should be withdrawn.

The ACTION has not provided any rational for rejection claims 4-34 other than what was presented in the August 22, Office Action. The response to that action provided reasons and arguments why these claims were not anticipated by Baxter. As indicated above, these reasons and arguments are not repeated verbatim herein, but incorporated by reference.

Conclusion

Claims 1-34 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned.

Respectfully Submitted,

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